



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,791	04/13/2001	Sindo Kou	032026 0546	8377

23524 7590 06/23/2003

FOLEY & LARDNER
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER

SONG, MATTHEW J

ART UNIT	PAPER NUMBER
----------	--------------

1765

DATE MAILED: 06/23/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,791

Applicant(s)

KOU ET AL.

Examiner

Matthew J Song

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 13-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-15, 20-24, 27-28 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angello (US 3,058,854) in view of Kobayashi et al (US 5,363,796) and Azad (US 5,132,091).

Angello discloses a method of forming a semiconductor alloy of SiGe by withdrawing a crystal from a melt in a crucible (Fig 2) comprising replenishing a molten bath and applying heat to an solid ingot 10 to 15% germanium and 85% silicon, this reads on applicant's raw material comprising each constituent, to produce a molten bath in the upper end of the ingot and moving the heating zone downwardly as the growing crystal is withdrawn from the bath. Angello also discloses the heating zone is moved downwardly at a rate, which is closely controlled and other conditions, such as the temperature of the bath and the rate of withdrawal are also closely controlled (col 3, ln 1-54). Angello also discloses the starting charge may be doped with a desired impurity so that the final alloy crystal will have the desired N-type or P-type characteristics (col 3, ln 55 to col 4, ln 5).

Angello discloses heating with a single heater. Angello does not disclose heating an upper portion of the crucible with an upper heater to a temperature sufficient to melt the feed material in an upper portion of the crucible and separately heating a lower portion of the crucible

Art Unit: 1765

with a lower heater to another temperature which is below the melt temperature of the feed material so that feed material in the lower portion of the crucible remains solid and advancing the crucible with respect to the heaters as the crystal is drawn from the melt to heat additional portion of the solid feed material with the upper heater to melt the additional solid material to replace the crystal drawn from the melt.

In a method of growing single crystals by the Czochralski method, Kobayashi et al. discloses a double structure crucible with a crucible made of quartz placed inside a graphite crucible (col 7, ln 10-18). Kobayashi et al also discloses a main heater (32) and a subheater (33) facing the zone in which the crucible vertically moves and are vertically separated (col 7, ln 19-30) at the lower and upper portions of the periphery of the crucible (col 5, ln 27-35). Kobayashi also teaches a melt layer (L) above a solid layer where a single crystal is pulled up from the melt layer and the crucible is lifted, such that the positional relationship between the crucible and the main heater (32) changes hence the solid layer melts. Kobayashi et al also teaches that a wire (6), which can be raised and lowered and rotated is hung from the top of a pull chamber, where a seed is fixed to the lower end of the pulling shaft (6) and a single crystal grows from said seed (col 6, ln 56-64). Kobayashi et al. also teaches a raw material is charged into said crucible in an Argon (Ar) atmosphere and the main heater and subheater are activated so that all of the raw material is melt, then the output of the main heater is increased and the power of the subheater is decreased to grow the solid layer in the lower portion of the crucible (col 9, ln 10-25). Kobayashi et al also discloses the lower end of the seed is immersed into the melted layer and the single crystal is pulled up while rotating the crucible and wire (col 13, ln 5-11). Kobayashi et al also discloses the subheater 33 may be powered on in the process of pulling the single crystal in order

to increase the melting rate (col 12, ln 59-67). Kobayashi et al also discloses the powers of the main heater and subheater are changed after the neck and shoulder portions of the single crystal are formed, where the main heater power is lowered and subheater power is increased (col 13, ln 12-20 and Fig 9). Kobayashi et al discloses the invention can be applied to the growth of various single crystals useful as a semiconductor material (col 13, ln 50-55). Kobayashi et al also teaches the lower end of the subheater **33** is lower than the lower end of the inner crucible and this prevents the lower portion of the inner crucible from being heated, thereby facilitating the formation of the solid layer (col 8, ln 45-65).

Kobayashi et al teaches it is difficult to control the melting amount of a solid layer by a single heater (col 4, ln 10-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Angello with Kobayashi et al to improve the control the melting amount of the solid layer and powering on a sub-heater can increase the melting rate of the solid layer, thereby reducing processing time.

The combination of Angello and Kobayashi et al does not teach an insulator is positioned between the upper heat and the lower heater.

In a Czochralski apparatus for crystal pulling, note entire reference, Azad teaches an apparatus **10** comprises a crucible **12**, a side heater **17**, a bottom graphite heater **18**, an annular baffle **19**, and a radiative heater **40** above the baffle and side heater **17**. (Fig 1 and col 4, ln 15-68). Azad also teaches the annular baffle is provided at a location above heater **17**, this reads on applicant's insulation, the baffle being employed as a barrier to concentrate the heat generated by heater **18** below the level of the baffle (col 4, ln 65 to col 5, ln 5). Azad also teaches an encapsulant medium of B_2O_3 for growing GaAs crystals (col 5, ln 30-45). It would have been

Art Unit: 1765

obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Angello and Kobayashi et al with Azad's baffle between two heaters to concentrate the heat of a lower heater below the level of the baffle.

Referring to claim 14, the combination of Angello, Kobayashi et al and Azad discloses the wire (6) rotates.

Referring to claim 15, the combination of Angello, Kobayashi et al and Azad teach covering the melt with a liquid encapsulant material while growing the crystal from the melt and drawing the growing crystal out of the melt to isolate the melt from the environment ('091 col 5, ln 30-45 and col 4, ln 15-25).

Referring to claim 21, the combination of Angello, Kobayashi et al and Azad discloses a crucible filled with a solid raw material is melted by the upper and lower heaters and turning off the lower heater to form a solid in the lower portion of the crucible while maintaining the upper portion at a temperature above the melt temperature of the feed material. Kobayashi et al teaches melting the feed material, it is inherent to the combination of Angello, Kobayashi et al and Azad's invention to mix the feed material prior to freezing the feed material because the temperature of the melt results in convection mixing.

Referring to claim 22, the combination of Angello, Kobayashi et al and Azad discloses the lower end of the seed is immersed into the melted layer and the single crystal is pulled up while rotating the crucible and wire.

Referring to claim 23, the combination of Angello, Kobayashi et al and Azad discloses the power of the main heater is lowered after the formation of the neck and shoulder portions of the single crystal.

Referring to claim 24, the combination of Angello, Kobayashi et al and Azad disclose the power of the lower heater is raised after the formation of the neck and shoulder portions.

Referring to claim 27, the combination of Angello, Kobayashi et al and Azad discloses an Argon atmosphere.

Referring to claim 28, the combination of Angello, Kobayashi et al and Azad discloses an upper heater and a lower heater operating independently to form a melt and a solid layer as applicant, therefore, it is inherent to the combination of Angello, Kobayashi et al and Azad's invention to maintain a temperature gradient in the melt to enhance convection mixing of the melt.

Referring to claim 38, the combination of Angello, Kobayashi et al and Azad is silent to cooling the melt under conditions, which allow the melt to become undercooled and to solidify rapidly, minimizing macrosegregation in the resulting solid feed material. This is inherent to the combination of Angello, Kobayashi et al and Azad because the combination of Angello, Kobayashi et al and Azad teaches cooling the melt by turning off the subheater **33**, as applicant (pg 9, ln 25-26) and the subheater is lower than the lower end of the inner crucible, thereby facilitating the formation of the solid layer (col 8, ln 55-65).

3. Claims 16-19 and 29-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angello (US 3,058,854) in view of Kobayashi et al (US 5,363,796) and Azad (US 5,132,091) as applied to claims 13 and 15 above, and further in view of Morioka et al (US 4,609,530).

Art Unit: 1765

The combination of Angello, Kobayashi et al and Azad teaches all of the limitations of claim 16, as discussed previously in claim 15, except the feed material is In-doped GaAs.

In a method of growing a GaAs single crystal with an Indium (In) impurity, Morioka et al teaches a crucible containing a GaAs raw material melt containing an impurity of Indium and encapsulated with a liquid encapsulating layer of B_2O_3 to prevent the dissipation of As (col 11, ln 20-30). Morioka et al also teaches a seed crystal is dipped in the GaAs melt and an upper shaft is pulled upwardly in a liquid encapsulated Czochralski (LEC) method (col 11, ln 30-40). Morioka et al also teaches a GaAs polycrystal not containing In is prepared in the crucible and In or InAs is added to the polycrystal melt, where the addition of In reads on applicant's In-doped GaAs feed material and the addition of InAs reads on applicant's alloy of InAs-GaAs feed material (col 12, ln 10-30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kobayashi et al with Morioka et al because growing a GaAs single crystal doped with Indium (In) is useful in the semiconductor industry.

Referring to claim 16, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches an In-doped GaAs feed material.

Referring to claim 17, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches a B_2O_3 liquid encapsulant.

Referring to claim 18, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches an alloy of InAs-GaAs as the feed material.

Referring to claim 19, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches a liquid encapsulant of B_2O_3 .

Referring to claim 29, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches a crucible with a solid feed material having a concentration of constituents for the crystal to be grown, an upper heater, which heats an upper portion of a crucible to melt a feed material, a lower heater for heating a lower portion of a crucible to a lower temperature below the melt temperature of the feed material, a liquid encapsulant covering the melt and advancing the crucible with respect to the heaters to melt portions of the solid feed material to replace the material drawn from the melt.

Referring to claim 30, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches rotating the crystal as it is drawn from the melt.

Referring to claim 31, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches a feed material of In-doped GaAs.

Referring to claim 32, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches a liquid encapsulant of B_2O_3 .

Referring to claim 33, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches an alloy of InAs-GaAs as a feed material.

Referring to claim 34, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches a liquid encapsulant of B_2O_3 .

Referring to claim 35, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches the lower end of the seed is immersed into the melted layer and the single crystal is pulled up while rotating the crucible and wire.

Referring to claim 37, the combination of Angello, Kobayashi et al, Azad and Morioka et al teaches a crucible with a solid feed material is melted by an upper and lower heater and

Art Unit: 1765

turning off the lower heater to form a solid in the lower portion of the crucible and heating an upper portion to temperature above the melting temperature of the feed material. It is inherent to the combination of Angello, Kobayashi et al, Azad and Morioka et al's invention to mix the feed material prior to freezing the feed material because Kobayashi et al teaches melting the feed material, where the temperature of the melt results in convection mixing.

4. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angello (US 3,058,854) in view of Kobayashi et al (US 5,363,796) and Azad (US 5,132,091) as applied to claim 13 above, and further in view of Lin et al (Journal of Crystal Growth 193 (1998) pg 443-445).

The combination of Angello, Kobayashi et al and Azad teaches all of the limitations of claim 25, except the speed at which the crucible is advanced with respect to the heater is

$$V_c = V_s(d_s/d_c)^2.$$

In a method of pulling a Cd-doped InSb single crystals from a molten zone on a solid feed, Lin et al teaches a mass balance on the melt, $D_c = D_f(V_f/V_c)^{0.5}$, where V_f is the crucible raising speed, i.e. V_c , V_c is the crystal pulling speed, i.e. V_s , D_c is the crystal diameter, i.e. d_s and D_f is the feed diameter, i.e. d_c . (Equation 1 and pg 445, col 2), where solving the equation for V_c , yields $V_c = V_s(d_s/d_c)^2$. Lin et al also teaches most dopants have a segregation coefficient k and tend to segregate significantly during crystal growth and a pulled crystal of a uniform dopant concentration of C_o from a molten zone which was predoped to C_o/k (pg 443, col 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Angello, Kobayashi et al and Azad with Lin et al's speed

Art Unit: 1765

at which the crucible is advanced with respect to the heaters because it maintains the melt at steady state (pg 443,col 2).

Referring to claim 26, the combination of Angello, Kobayashi et al, Azad and Lin et al teaches a melt concentration of C_0/k , where C_0 is the concentration of the pulled crystal reduced segregation in the pulled single crystal (pg 445, col 2).

5. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angello (US 3,058,854) in view of Kobayashi et al (US 5,363,796) and Azad (US 5,132,091) in view of Morioka et al (US 4,609,530) as applied to claims 29-35 above, and further in view of Lin et al (Journal of Crystal Growth 193 (1998) pg 443-445).

The combination of Angello, Kobayashi et al, Azad and Morioka et al teaches all of the limitations of claim 36, as discussed previously in claim 29, except the addition of a desired dopant to adjust the melt concentration to a level C_0/k , where C_0 is the desired dopant concentration in the crystal and k is an experimentally determined constant.

In a method of pulling Cd-doped InSb single crystals from a molten zone on a solid feed, Lin et al teaches most dopants have a segregation coefficient k and tend to segregate significantly during crystal growth and a pulled crystal of a uniform dopant concentration of C_0 from a molten zone which was predoped to C_0/k (pg 443, col 1). Lin et al also teaches effective segregation reduction was obtained in a Cd-doped InSb single crystal pulled from a predoped molten zone (pg 445, col 2). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Angello, Kobayashi et al, Azad and

Art Unit: 1765

Morioka et al with Lin et al's melt with a dopant concentration of C_0/k because a single crystal with reduced segregation is produced.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angello (US 3,058,854) in view of Kobayashi et al (US 5,363,796) and Azad (US 5,132,091) as applied to claims 13 and 21 above, and further in view of Van Uitert et al (US 4,013,501).

The combination of Angello, Azad and Kobayashi et al teaches all of the limitations of claim 21, as discussed previously in claim 21, except if it is not inherent to the combination of Angello, Azad and Kobayashi et al to mix the melted material.

In a method of growing neodymium doped yttrium aluminum garnet crystal, Van Uitert et al teaches a mixture is heated in a platinum crucible to a temperature on the order of 1300°C and held at this temperature for a period of time such as 24 hours to ensure complete solution of crystal components and uniformity of the melt, this reads on applicant's thoroughly mixing, and mixing of constituents is enhanced by rotating the crucible, the direction of rotation being reversed periodically (col 2, ln 35-50). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Angello, Azad and Kobayashi et al with Van Uitert et al heating and rotating to ensure uniformity in the melt.

7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angello (US 3,058,854) in view of Kobayashi et al (US 5,363,796), Azad (US 5,132,091) and Morioka et al (US 4,609,530) as applied to claims 29-35 and 36 above, and further in view of Van Uitert et al (US 4,013,501).

The combination of Angello, Azad, Kobayashi et al and Morioka et al teaches all of the limitations of claim 37, as discussed previously in claim 29, except if it is not inherent to the combination of Angello, Kobayashi et al, Azad and Morioka et al to mix the melted material.

In a method of growing neodymium doped yttrium aluminum garnet crystal, Van Uitert et al teaches a mixture is heated in a platinum crucible to a temperature on the order of 1300°C and held at this temperature for a period of time such as 24 hours to ensure complete solution of crystal components and uniformity of the melt, this reads on applicant's thoroughly mixing, and mixing of constituents is enhanced by rotating the crucible, the direction of rotation being reversed periodically (col 2, ln 35-50). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Angello, Kobayashi et al, Azad and Morioka et al with Van Uitert et al's heating and rotating to ensure uniformity in the melt.

Response to Arguments

8. Applicant's arguments with respect to claims 13-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Azad (US 5,162,072) teaches a Czochralski apparatus comprising a crucible **12**, a side heater **18** and an annular baffle **19** provided at a location above the heater **18**, the baffle being

Art Unit: 1765

employee4 as a barrier to retain the heat generated by heater 18 down at the level of the crucible (col 4, ln 25-40 and Fig1).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Song whose telephone number is 703-305-4953. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin L Utech can be reached on 703-308-3868. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Art Unit: 1765

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Matthew J Song
Examiner
Art Unit 1765

MJS
June 16, 2003


BENJAMIN L. UTECH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700